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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,705	05/17/2001	Michael Kai-Yin Au	YOR920000770US1	3974

7590 09/28/2005

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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/859,705

Applicant(s)

AU ET AL.

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 32-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 32-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment filed on 7/28/05 has been entered. Claims 1-15 and 32-46 are still pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 and 32-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westrope et al (US 5,721,832) in view of Olson (US 6,901,481).

As per claims 1, 3, 8, 11-15, 32-35 and 42-46, Westrope et al teach a method in a primary data processing system (catalog data processor 67) for managing a catalog (col. 7, lines 13-15), method comprising: sending a catalog and user information to a plurality of secondary data processing system located in a network data processing system (marketing data processor 75, accounting processor 73); receiving an order from one of the plurality of secondary data processing systems (col. 7, lines 23-26); and processing the order, in response to receiving the order (col. 7, lines 28-30). Westrope does not disclose allocating the inventory but Olson discloses allocating inventory associated with a catalog that can be sent to the plurality of secondary data processing systems of Westrope (col. 10, lines 36-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the service allocation module as taught by Olson into the system of Westrope

Art Unit: 3627

because it would provide accountability of the communicated and networked information to have on-demand and real-time customer satisfaction.

As per claim 2, Westrope discloses a system that sends an update to the catalog to the plurality of secondary data processing systems as claimed (col. 9, lines 57-61).

As per claims 6, 7, 38, and 39, Westrope discloses a system that is capable of providing a shopping card data (items ordered by the user are stored in a safe place) from the secondary data processing system as claimed.

As per claims 4, 5, 36 and 37, neither Westrope nor Olson discloses allocation of the inventory upon a detection of a condition which is a threshold but it is well known to set a condition when determining whether or not an inventory is necessary because it would help determining the location of missing products, the examiner takes Official notice as such.

6. Claims 9, 10, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westrope et al (US 5,721,832) in view of Olson (US 6,901,481) and further in view of Yamazoe et al (US 2001/0032148).

As per claims 9, 10, 40 and 41, neither Westrope nor Olson do not disclose a catalog that is sent in a markup language and wherein the markup language is extensible markup language but Yamazoe discloses an application service on a network having a WWW (World Wide Web) voluntarily managed by the selling enterprise through the use of the XML (extensible markup language).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the service allocation module as taught by Olson into the system of Westrope

because it would provide accountability of the communicated and networked information to have on-demand and real-time customer satisfaction. It would have been obvious to one of ordinary skill in the art to utilize the extensible markup language (XML format) taught by Yamazoe et al into the combined system of Westrope and Olson because it would ensure a safe transmission of the information or document through a network.

Response to Arguments

4. Applicant's arguments filed on 07/28/05 have been fully considered but they are not persuasive.

5. Applicant argues that Westrope does not teach sending catalog and user information to a plurality of secondary data processing systems. Contrary to Applicant's arguments, the catalog services data processor (fig. 5, 67) is coupled to the secondary data processing systems (marketing data processor and accounting data processor) so that the catalog and user information can be sent or transmitted to the secondary data processing systems. Applicant's arguments about Tsevdos are moot in view of the newly added reference. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In response to applicant's argument that there is no suggestion to combine the references, the

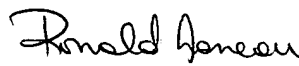
Art Unit: 3627

examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Claims 1-15 and 32-46 remain rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ronald Laneau
Examiner
Art Unit 3627

9/18/05